

## Interview Summary

Application No.

09/883,913

Applicant(s)

OKI, HIROSHI

Examiner

Eric W. Stamber

Art Unit

3622

All participants (applicant, applicant's representative, PTO personnel):

(1) Eric W. Stamber (SPE).

(3) Matthew Polson (Applicant's representative).

(2) Randy Beckers (Applicant's representative).

(4) \_\_\_\_\_.

Date of Interview: 30 April 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

FAXED TO  
MR. BECKERS  
ON 5/2/07

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 (representative).

Identification of prior art discussed: Brewer (US 6,148,332) and Official Notice (Earthlink and AOL).

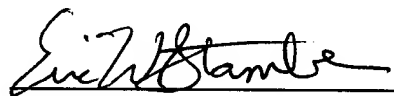
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Beckers contacted the SPE to review/discuss the last Office action (non-final, mailed 12/29/06) with particular attention to Examiner Janvier's failure to provide a reference in support of the Official Notice that has been a part of the 103 rejection.

The SPE reviewed the non-final action and found that the Examiner made good use of Official Notice by providing the notorious real-world example of Internet Service Providers (Earthlink, AOL) who bulk mail potential customers disks/CDs through the US Postal Service where the distributor (Post Office) would be compensated for the cost of delivering the disks/CDs through the mail.

However, the SPE found in reviewing the non-final action, that the last amendment (submitted with the RCE filed 10/2/06) had been improperly treated, particularly the limitation of "calculating a payback value to both the product user and the middleman based on the stored recorded use results." In this instance, the "both" had been improperly treated as not having support in the specification, and so the claim was interpreted by the Examiner as only reciting "payback to the distributor" (non-final at page 13). It is noted, however, that the recitation of "both" clearly finds support in the originally filed specification at page 12.

The previous Office action (non-final, mailed 12/29/06) is therefore withdrawn. No action by applicant is necessary at this time. A new Office action will follow in the next two months..



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# ART UNIT 3622

Fax: 571-273-6724

## FACSIMILE TRANSMISSION COVER SHEET

Date: 5/2/07

### TO:

Name: RANDY BECKERS  
Company: STAAS + HALSEY  
Fax No: 202-434-1501

### FROM:

Name: ERIC STAMBER  
Telephone: (BELOW)

Number of Pages 3 (including this sheet)

IF YOU HAVE NOT RECEIVED ALL PAGES OF THIS TRANSMISSION OR IF ANY OF THE  
PAGES ARE ILLEGIBLE,

PLEASE CONTACT: Eric Stamber 571-272-6724